<u>R<small>EMARKS</small></u>

Claims 1-48, 50-54 and 58 are currently pending in the subject application and are presently under consideration. Claims 1-15, 17-21, 23-28, 32-34, 38-48, 50, 52, 53 and 58 have been amended and claims 16, 22, 29-31, 35-37, 51 and 54 have been cancelled herein. Additionally, claims 59 and 60, which are fully supported by the specification, have been added as indicated above. A listing of the claims can be found at pp. 2-13 above.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 38-44 Under 35 U.S.C. §101

Claims 38-44 stand rejected under 35 U.S.C. §101. Independent claims 38 and 43 have been amended as indicated above. As such, the subject claims are each directed to statutory subject matter. Therefore, it is respectfully requested that this rejection be withdrawn.

II.   Rejection of Claims 1-48 and 50-58 Under 35 U.S.C §112, first paragraph

Claims 1-48 and 50-58 stand rejected under 35 U.S.C §112, first paragraph. Independent claims 1, 21, 38, 43, 45, 48 and 50 have been amended as indicated above. As such, the subject claims clearly comply with the written description requirement of 35 U.S.C. §112, first paragraph. Additionally, claims 16, 22, 29-31, 35-37, 51 and 54-57 have been cancelled as indicated above, so this rejection is moot. Accordingly, it is respectfully requested that this rejection be withdrawn.

III.   **Rejection of Claims 1-9, 12, 15, 16, 21-23, 25-27, 32, 33, 35, 37 and 54 Under 35**

U.S.C. §103(a)

Claims 1-9, 12, 15, 16, 21-23, 25-27, 32, 33, 35, 37 and 57 stand rejected under 35

U.S.C. §103(a) over Bennett ("Using a Microcomputer in Costing and Selling") in view of

Dialog (Dialog File 148, "Retrospective"). This rejection should be withdrawn for at least the

following reasons. Bennett and Dialog, alone or in combination, fail to teach or suggest each

and every feature as recited in the subject claims. Additionally, claims 16, 22, 35 and 37 have

been cancelled as indicated above, so this rejection is moot.

By way of general background, the subject application relates to automatically managing

welding consumables. This automatic management eliminates the need for operators or

supervisors responsible for a welding process to track and order welding consumables. To this

end, independent claim 1, as amended, recites in part, "*a welder, comprising: a consumables*

monitor that monitors an amount of at least one consumable consumed; and an arc/weld

quality monitor that monitors quality of at least one weld; and a remote system

communicatively coupled to the welder via a network, *the remote system comprising at least*

one of: a production control component that receives information from the consumables

monitor regarding the amount of the at least one consumable consumed or the amount of the

at least one consumable remaining and measures a consumable demand rate based at least in

part upon a production control policy and the received information; a financial account

component that receives information from the consumables monitor regarding the amount of

the at least one consumable consumed or the amount of the at least one consumable

remaining and performs accounting tasks based at least in part upon the received

information; or a materials management component that receives information from the

consumables monitor regarding the amount of the at least one consumable consumed or the

amount of the at least one consumable remaining and performs inventory control based at

least in part upon the received information." Bennett and Dialog, alone or in combination, fail

to teach or suggest each and every feature as recited in independent claim 1.

Bennett relates to using a computer to directly measure and compare costs of any welding

process by connecting it to various sensors that monitor the weld as it is produced. *See* Abstract,

p. 341, lines 2-5; Introduction, p. 341, line 38 – p. 342, line 1. To this end, Bennett describes

two embodiments of hardware and software for use with the same portable microcomputer to

facilitate such direct measurements, a first phase device that utilizes data entirely provided *via* a keyboard and a second phase device that monitors the weld process semi-automatically and so produce costing information. *See* Selection and Design of Microcomputer Systems, p. 342, lines 42-47. However, neither the first phase device nor the second phase device includes *a consumables monitor that monitors an amount of at least one consumable consumed* or *an arc/weld quality monitor that monitors quality of at least one weld*.

The first phase device described by Bennett stores a series of parameters for a weld process (*i.e.*, wire types, wire diameters, gas types and their associated costs) and takes user-inputted data of more parameter values after completion of a weld (*i.e.*, cross sectional area of weld, number of passes, travel speed, gas type, electrode type, electrode cost, wire diameter, deposition efficiency, weld bead width, labor cost, plant cost/depreciation, and duty cycle percentage). *See* Selection and Design of Microcomputer Systems, p. 343, lines 1-25. The first phase device does not *monitor* either the amount of a consumable consumed or the quality of the weld. Instead, the first phase device merely calculates the cost of a weld. Even assuming *arguendo* that the cost of a weld implicitly could include information regarding consumable consumption or weld quality, the first phase device cannot monitor such consumption or weld quality because its calculations are based entirely upon user input of values of certain parameters after completion of a weld

The second phase device described by Bennett does utilize semi-automatic monitoring of certain parameters of the weld process (*i.e.*, voltage, current and wire consumed) to determine the cost of the weld. *See* Selection and Design of Microcomputer Systems, p. 343, lines 36-44. This monitoring is only semi-automatic because additional required parameters still must be provided by a user. *See* Selection and Design of Microcomputer Systems, p. 344, lines 13-20. Even if assuming *arguendo* this measurement of wire consumed that is used to determine the cost of welding could be considered to be a type of monitoring of an amount of at least one consumable consumed, the second phase device cannot *monitor* the *quality of at least one weld*. Instead, the second phase device merely calculates the consumable cost of a weld process (*see* Selection and Design of Microcomputer Systems, p. 344, lines 23-31) without any regard to the quality of the associated weld.

Furthermore, in addition to the previously-stated deficiencies, neither phase device is a *welder*. Instead, the phase 1 device is a portable, rugged hand-held microcomputer system that

utilizes data entirely provided *via* a keyboard. *See* Selection and Design of Microcomputer Systems, p. 342, lines 43-45. Clearly, this hand-held computer is not a ***welder***. This first phase device might be rugged enough to be *near* a welder, but, undisputedly, it is not part of a welder. The second phase device is also clearly separate from the welding device. At most, the second phase device merely has a component with sensors and a computer "attached to the welding equipment." *See* Selection and Design of Microcomputer Systems, p. 343, line 45. Therefore, it is also clear that the second device not a ***welder***.

Moreover, the first phase device and the second phase device described by Bennett cannot interface with a ***remote system***. Instead, both phase devices can only produce outputs (*e.g.* a print out or a display (*see, e.g.,* Selection and Design of Microcomputer Systems, p. 344, lines 34-36)) regarding costing information; neither device can transmit such information to a remote system. While the first phase device is merely a computer, the second phase device can comprise sensors that measure voltage, current or wire length, which are interfaced to an adjacent computer *via* an RS232 serial interface. *See* Selection and Design of Microcomputer Systems, p. 343, line 45 – p. 344, line 12. This phase two device cannot communicate with a remote system. Even though the phase two device may employ sensors that relay raw data to an adjacent computer *via* an interface, both the sensors and the computer are part of a single device, where neither the computer nor the sensors can operate independently. Additionally, the interface is between the sensors and the computer within the second phase device, rather than between the second phase device and the welder. Accordingly, neither system described by Bennett can interface with a ***remote system***.

Even assuming *arguendo* that the computer of the second phase device might be a remote system, this computer does not have ***production control***, ***financial accounting*** or ***materials management*** capabilities. Instead, the second phase device merely outputs a chart showing the costs of the welding process. *See, e.g.*, Selection and Design of Microcomputer Systems, p. 345, lines 21-32; p. 346, Fig. 1. While this output can be used by a welding engineer to present a clear case to a purchasing department that a certain welding consumable (*e.g.*, a different type of gas) is more cost effective (*see* Introduction, p. 341, line 39 – p. 342, line 1), the mere fact that the output may aid in an engineer's argument as to the more cost effective consumable does not equate to production control, financial accounting or materials control. At most, this suggests that a purchasing department is responsible for making the ultimate decision as to the purchase

of the new consumable based in part upon the welding engineer's argument that is based in part upon the output. Clearly, the purchasing department does not interface with the welder. At most the communication between the purchasing department and the welder is indirect through at least two intermediaries: the welding engineer and either the first phase device or the second phase device. Therefore, Bennett does not teach or suggest a remote system with *production control*, *financial accounting* or *materials management* capabilities.

Therefore, for at least the reasons as described above, Bennett clearly fails to teach or suggest each and every feature as recited in independent claim 1. Dialog, which relates to remote quality control, fails to make up for the aforementioned deficiencies of Bennett. Dialog merely reports that a researcher in Boulder, CO was able to monitor quality of welds produced in Gaithersberg, MD across the Internet. *See* p. 1, para. 6-8. Therefore, it is clear that Dialog does not remedy the aforementioned deficiencies of Bennett.

For at least the reasons as described above, Bennett and Dialog, alone or in combination, fail to teach or suggest each and every feature as recited in independent claim 1. At least by virtue of dependence, Bennett and Dialog, alone or in combination, also fail to teach or suggest each and every feature as recited in associated dependent claims 2-9, 12 and 15. Therefore, it is respectfully requested that this rejection be withdrawn and the subject claims allowed.

Additionally, no person of ordinary skill in the art would be motivated to combine the teachings of Bennett and Dialog. The Office Action maintains that "one of ordinary skill in the art would have been motivated to do so in order to remotely monitor the status of a weld (*see* O.A. at p. 6);" however, Bennett does not provide any mechanism to monitor the status of the weld. Instead, Bennett only describes two devices that can provide costing information regarding a weld. No person of ordinary skill in the art would be motivated to combine Beckett and Dialog, since Bennett merely teaches two devices that determine welding costs and Dialog simply reports that weld quality can be monitored over the Internet. Therefore, since neither Bennett nor Dialog teaches or suggests any mechanism of monitoring the status of a weld, no person of ordinary skill in the art would find such motivation to combine Bennett and Dialog.

Similarly to amended independent claim 1, amended independent claim 21 recites in part, "*a welder comprising: a consumables monitor that monitors consumption of at least one welding consumable and sends a first information regarding the consumption*; and *an arc welding component that monitors the quality of welds produced by the welder and sends a*

second information regarding the quality; *a local system operatively coupled to the welder via a first network*, the local system *orders the at least one welding consumable for the welder based at least in part upon the first information received from the consumables monitor*; and a *remote system operatively coupled to the welder via a second network*, the *remote system receives the first information regarding the consumption and the second information regarding the quality and produces an invoice for the at least one welding consumable that has been consumed and that has produced a quality weld*." For at least the reasons as described above with respect to independent claim 1, Bennett fails to teach or suggest *a welder* comprising *a consumables monitor* and *an arc welding component*; furthermore, for at least the reasons as described above, Bennett also fails to teach or suggest *remote system* coupled to the *welder*. Even assuming *arguendo* that the computer of the second phase device might be construed to be a remote system, this computer is unable to *produce an invoice for the at least one welding consumable*. Instead, the computer as described by Bennett is only able to produce an output that shows the costing information for the consumables used in a welding process. Furthermore, the computer as described by Bennett cannot monitor weld quality, so Bennett clearly does not teach or suggest producing an invoice for a welding consumable that has been consumed and *has produced a quality weld*.

        Additionally, Bennett fails to teach or suggest a *local system* that *orders* a welding consumable according to *information received from the consumables monitor* regarding consumption of at least one consumable. Even assuming *arguendo* that the second phase device as described by Bennett might be construed to be a local system, this device is unable to order any consumable. Instead, for at least the reasons as described above, the second phase device can merely produce reports regarding the costing information for a weld. This information might enable a welding engineer to present a clear case to a purchasing department regarding the cost effectiveness of a certain consumable; however, the device itself is clearly unable to do anything other than produce a report. Therefore, the second phase device as described by Bennett cannot *order* a welding consumable according to *information received from the consumables monitor* regarding consumption of at least one consumable.

        Therefore, for at least the reasons as described above, it is clear that Bennett fails to teach or suggest each and every feature as recited in independent claim 21. For at least the reasons as described above with respect to independent claim 1, Dialog fails to make up for these

deficiencies of Bennett. Therefore, Bennett and Dialog, alone or in combination, fail to teach or suggest each and every feature as recited in independent claim 21. At least by virtue of dependence, Bennett and Dialog, alone or in combination, also fail to teach or suggest each and every feature as recited in associated dependent claims 23, 25-27 and 32. Accordingly, it is respectfully requested that this rejection be withdrawn and the subject claims allowed.

Bennett and Dialog, alone or in combination, also fail to teach or suggest each and every feature as recited in the dependent claims. For example, amended claim 2, which depends from independent claim 1, recites in part, "*the inventory control includes ordering or purchasing the at least one consumable based at least in part upon the information received from the consumables monitor*." At least for the reasons as described above with regard to independent claim 21, Bennett and Dialog, alone or in combination, clearly fail to suggest such features. Accordingly, in addition its dependence from independent claim 1, claim 2 is also independently patentable. Thus, it is respectfully requested that this rejection be withdrawn and claim 2 allowed.

Additionally, amended claim 7, which depends from independent claim 1, recites in part, "*the inventory control is based at least in part upon a vender managed contract*." Moreover, amended claim 8, which depends from claim 7, recites in part, "*ownership of the at least one consumable remains with a supplier, distributer or manufacturer until the at least one consumable has been used by a customer*." Furthermore, amended claim 9, which depends from independent claim 1, recites, "*the welder is leased to a customer and enforcement of that lease is performed at least in part based upon information received from the consumables monitor*." The Office Action agrees that "the cited prior art does not teach [these features];" however, the Office Action incorrectly determines that "these limitations are not functionally involved in the elements of the recited system." *See* O.A. at p. 6-7, citing *In re Gulack*, 703 F.2d 1381, 1385 (1983). The Office Action relies on *Gulack* to make such an assertion. However, *Gulack* is clearly at odds with the Office Action with regard to the features as recited in the subject claims.

The court in *Gulack* determined that lack of a precise functional relationship between claimed elements is not dispositive of obviousness; instead, the only requirement is the existence of *differences* between the claims and the cited art sufficient to establish patentability. *Gulack*, 703 F.3d at 1386. The features as recited in claims 7-9 are clearly not taught or suggested in the

cited art of record. Additionally, these features clearly add functionality to the system as recited in independent claim 1. Each element as recited in claims 7-9 at least aids in a critical ***inventory control*** function performed by the system as recited in independent claim 1. For example, such features can decrease the costs to a consumer associated with maintaining inventory of a welding consumable. Costs reduction can occur because a supplier may charge a customer only after a consumable has been used, or the customer could delegate responsibility for maintaining consumables inventory across several locations to the supplier. Therefore, the features as recited in claims 7-9 are clearly functional; additionally, the features as recited in claims 7-9 are novel and non-obvious. Accordingly, applying the *Gulack* test, the features as recited in claims 7-9 are clearly patentable. Since claims 7-9 are independently patentable, as well as patentable due to their dependence from independent claim 1, it is respectfully requested that this rejection be withdrawn and claims 7-9 allowed.

For at least the foregoing reasons, it is clear that Bennett and Dialog, alone or in combination, fail to teach or suggest each and every feature as recited in the subject claims. Accordingly, it is respectfully requested that this rejection be withdrawn and claims 1-9, 12, 15, 21, 23, 25-27, 32, 33 and 57 allowed.

IV.   Rejection of Claims 10, 11, 17-19 and 36 Under 35 U.S.C. §103(a)

Claims 10, 11, 17-19 and 36 stand rejected under 35 U.S.C. §103(a) over Bennett in view of Dialog and Tarr, *et al.* (US 5,184,179). This rejection should be withdrawn for at least the following reasons. Bennett, Dialog, and Tarr, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in the subject claims. Additionally, claim 36 has been cancelled as indicated above, so this rejection is moot.

Claims 10, 11, and 17-19 each depend from independent claim 1. For at least the reasons as set forth above, Bennett and Dialog, alone or in combination, clearly fail to teach or suggest each and every feature as recited in independent claim 1. Tarr, *et al.*, which relates to remote monitoring of photocopiers, fails to make up for the aforementioned deficiencies of Bennett and Dialog. Therefore Bennett, Dialog and Tarr, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in independent claim 1. At least by virtue of dependence, Bennett, Dialog and Tarr, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in associated dependent claims 10, 11 and 17-19. Accordingly,

it is respectfully requested that this rejection be withdrawn and claims 10, 11 and 17-19 allowed.

V.   Rejection of Claims 13, 14 and 34 Under 35 U.S.C. §103(a)

Claims 13, 14 and 34 stand rejected under 35 U.S.C. §103(a) over Bennett in view of Dialog and Official Notice. Claims 13 and 14 depend from independent claim 1; claim 34 depends from independent claim 21. For at least the reasons as described above, Bennett and Dialog, alone or in combination, fail to teach or suggest each and every feature as recited in independent claims 1 and 21. Examiner's Official Notice does not cure the aforementioned deficiencies of Bennett and Dialog. At least by virtue of dependence, Bennett, Dialog and Official Notice, alone or in combination, fail to teach or suggest each and every feature as recited in claims 13, 14 and 34. Therefore, it is respectfully requested that this rejection be withdrawn claims 13, 14 and 34 allowed.

VI.   Rejection of Claims 20 and 28-31 Under 35 U.S.C. §103(a)

Claims 20 and 28-31 stand rejected under 35 U.S.C. §103(a) over Bennett in view of Dialog and Sekizawa (US 6,681,349). This rejection should be withdrawn for at least the following reasons. Bennett, Dialog and Sekizawa, alone or in combination, fail to teach or suggest teach every feature as recited in the subject claims. Additionally, claims 29-31 have been cancelled, as indicated above, so this rejection is moot.

Claim 20 depends from independent claim 1; claim 28 depends from independent claim 21. For at least the reasons as described above, Bennett and Dialog, alone or in combination, fail to teach or suggest each and every feature as recited in independent claims 1 and 21. Sekizawa, which relates to monitoring a state of each of a plurality of machines, fails to make up for the aforementioned deficiencies of Bennett and Dialog. Therefore, Bennett, Dialog and Sekizawa, alone or in combination, fail to teach or suggest each and every feature as recited in independent claims 1 and 27. At least by virtue of dependence, Bennett, Dialog and Sekizawa, alone or in combination, fail to teach or suggest each and every feature as recited in associated dependent claims 20 and 28. Accordingly, it is respectfully requested that this rejection be withdrawn and claims 20 and 28 allowed.

VII.   **Rejection of Claims 24 Under 35 U.S.C. §103(a)**

      Claim 24 stands rejected under 35 U.S.C. §103(a) over Bennett in view of Dialog and Manchala, *et al.* (US 6,405,178). This rejection should be withdrawn at least because Bennett, Dialog and Manchala, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in claim 24.

      Claim 24 depends from independent claim 21. For at least the reasons as described above, Bennett and Dialog, alone or in combination, fail to teach or suggest each and every feature as recited in independent claim 21. Manchala, *et al.*, which relates to communication between a network application and a vender, fails to make up for the aforementioned deficiencies. Accordingly, Bennett, Dialog and Manchala, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in independent claim 21 (as well as associated dependent claim 24). Therefore, it is respectfully requested that this rejection be withdrawn and claim 24 allowed.

VIII.   **Rejection of Claims 38 and 40-42 Under 35 U.S.C. §103(a)**

      Claims 38 and 40-42 stand rejected under 35 U.S.C. §103(a) over Bennett. This rejection should be withdrawn for at least the following reason. Bennett fails to teach or suggest each and every feature as recited in the subject claims.

      Amended independent claim 38 recites in part, "*a welder*, comprising *a consumable monitor component that monitors usage of at least one consumable by the welder*; a customer component that interfaces with the consumable monitor, *the customer component orders the at least one consumable based at least in part upon information regarding usage of the at least one consumable received from the consumable monitor component*; and *a supplier component that receives the order from the customer component and processes the order*." For at least the reasons as described above with respect to independent claims 1 and 21, it is clear that Bennett fails to teach or suggest each and every feature as recited in independent claim 38. At least by virtue of dependence, Bennett fails to teach or suggest each and every feature as recited in associated dependent claims 40-42. Accordingly, it is respectfully requested that this rejection be withdrawn and claims 38 and 40-42 allowed.

IX. **Rejection of Claims 39, 43, 45, 46, 48 and 50-53 Under 35 U.S.C. §103(a)**

Claims 39, 43, 45, 46, 48 and 50-53 stand rejected under 35 U.S.C. §103(a) over Bennett
in view of Manchala, *et al.* This rejection should be withdrawn for at least the following reasons.
Bennett and Manchala, *et al.*, alone or in combination, fail to teach or suggest each and every
feature as recited in the subject claims. Additionally, claim 51 has been cancelled as indicated
above, so this rejection is moot.

Claim 39 depends from independent claim 38. At least for the reasons as described
above, Bennett fails to teach or suggest each and every feature as recited in independent claim
38. Manchala, *et al.* fails to make up for this deficiency. Accordingly, at least by virtue of
dependence, Bennett and Manchala, *et al.*, alone or in combination, fail to teach or suggest each
and every feature as recited in claim 39.

Additionally, amended independent claim 43 recites in part, "*a welder*, comprising a
consumable monitor component that monitors usage or status of at least one consumable; *an
aggregation component that aggregates information regarding the usage or the status of the at
least one consumable into aggregated welding consumable data*, wherein the information is
received from the consumable monitor; *an inventory replenishment component that initiates
replenishment of the at least one consumable based at least in part upon the aggregated
welding consumable data*; *a procurement management component that determines whether to
initiate reordering of the consumable based at least in part upon a vendor managed
replenishment contract and the aggregated welding consumable data*; *a reorder proposal
component that generates a reorder proposal for the at least one consumable*; *an authorization
component that receives authorization for the reorder proposal*; *a reorder transmittal
component that transmits an order for the at least one consumable based at least in part upon
the reorder proposal*; and *a supplier component that processes the order and initiates an order
confirmation invoice acknowledging the order*." For at least the reasons as described above
with respect to independent claims 1, 21 and 38, Bennett clearly fails to teach or suggest each
and every feature as recited in independent claim 43. Manchala, *et al.* does not make up for this
deficiency. Instead, Mancahla, *et al.* relates to an automated re-negotiation of terms (*e.g.*, price)
during renewal of a purchase contract for consumables from a printing machine. *See* col. 2, lines
45-48. Accordingly, Bennett and Manchala fail to teach or suggest each and every feature as

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recited in independent claim 43. Therefore, it is respectfully requested that this rejection be withdrawn and independent claim 43 allowed.

Similarly, independent claim 45, as amended, recites in part, "receiving information regarding usage of at least one welding consumable; *determining whether supply of each of the at least one welding consumable has fallen below a predefined ordering threshold amount based at least in part on the information regarding usage of each of the at least one welding consumable*; and *ordering each of the at least one welding consumable based at least in part upon the determination that the supply of each of the at least one welding consumable has fallen below the predefined ordering threshold*." For at least the reasons as described above with respect to independent claims 1, 21 and 38, Bennett clearly fails to teach or suggest each and every feature as recited in independent claim 45. Manchala, *et al.* does not make up for this deficiency. Therefore, Bennett and Manchala, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in independent claim 45 (and associated dependent claim 46). Accordingly, it is respectfully requested that this rejection be withdrawn and claims 45 and 46 allowed.

Likewise, amended independent claim 48 recites in part, "receiving a first information regarding usage of at least one welding consumable; and receiving a second information regarding weld quality; *generating an invoice for the at least one welding consumable based at least in part upon the first information regarding the usage of the at least one welding consumable and the second information regarding weld quality, wherein the invoice contains charges for an amount of the at least one welding consumable used to produce quality welds*." For at least the reasons as described above with respect to independent claims 1, 21 and 38, Bennett clearly fails to teach or suggest each and every feature as recited in independent claim 48. Manchala, *et al.* does not make up for this deficiency. Therefore, Bennett and Manchala, alone or in combination, fail to teach or suggest each and every feature as recited in independent claim 48. Thus, it is respectfully requested that this rejection be withdrawn and independent claim 48 allowed.

Further, independent claim 50, as amended, recites in part, "receiving information regarding usage of a welding consumable; *aggregating the information regarding usage of the welding consumable from one or more welders*; *determining an inventory level of the welding consumable based at least in part on the aggregated information*; *comparing the inventory*

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level of the welding consumable to a threshold ordering level; initiating an order if the inventory level of the welding consumable is less than the threshold ordering level; obtaining authorization for the order; and transmitting the order." For at least the reasons as described above with respect to independent claims 1, 21 and 38, Bennett clearly fails to teach or suggest each and every feature as recited in independent claim 50. Manchala, *et al.* does not make up for this deficiency. Therefore, Bennett and Manchala, *et al.*, alone or in combination, clearly fail to teach or suggest each and every feature as recited in independent claim 50 (as well as associated dependent claims 52 and 53). Accordingly, it is respectfully requested that this rejection be withdrawn and claims 50, 52 and 53 allowed.

For at least the reasons as set forth above, Bennett and Manchala, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in the subject claims. Accordingly, it is respectfully requested that this rejection be withdrawn and claims 39, 43, 45, 46, 48 and 50 and 52 and 53 allowed.

X.   Rejection of Claims 44 and 47 Under 35 U.S.C. §103(a)

Claims 44 and 47 stand rejected under 35 U.S.C. §103(a) over Bennett in view of Manchala, *et al.* and Official Notice.

Claim 44 depends from independent claim 43; claim 47 depends from independent claim 45. For at least the reasons as described above, Bennett and Manchala, *et al.*, alone or in combination, fail to teach or suggest each and every feature as recited in independent claims 1 and 21. Examiner's Official Notice does not cure the aforementioned deficiencies of Bennett and Manchala, *et al.* At least by virtue of dependence, Bennett, Manchala, *et al.* and Official Notice, alone or in combination, fail to teach or suggest each and every feature as recited in claims 44 and 47. Therefore, it is respectfully requested that this rejection be withdrawn claims 44 and 47 allowed.

XI.   New Claims 59 and 60

New claims 59 and 60 have been added herein, as indicated above. Each new claim is fully supported by the specification and is clearly patentable over the art of record.

New claim 59 depends from independent claim 1, and recites in part, "*the remote system maintains data regarding an inventory of the at least one consumable at a customer location,*

adjusts the inventory based at least in part on the information received from the consumables monitor regarding the amount of the at least one consumable consumed or the amount of the at least one consumable remaining and charges the customer for an amount of the at least one welding consumable used by the customer based at least in part upon the change in inventory." For at least the reasons as described above, the cited art of record is clearly silent with regard to these features. Accordingly, in addition to its dependence from independent claim 1, new claim 59 is also independently patentable at least because the cited art of record fails to teach or suggest each and every feature as recited therein.

New claim 60 depends from claim 59, and recites in part, "*ownership of the at least one consumable remains with a supplier until the at least one consumable is used by the customer*." For at least the reasons as described above, the cited art of record is clearly silent with regard to this feature. Accordingly, in addition to its dependence from claim 59, claim 60 is also independently patentable at least because the cited art of record fails to teach or suggest each and every feature as recited therein.

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CONCLUSION

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The subject application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [LINCP105US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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